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BEFORE THE UNITED STATES PATENT OFFICE

Inventors: 1) Stephen Fitzgerald
2) Frederick St. Laurent
3) Terrance William Sutherland

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DEC 13 2006

Serial No: 10/672,060

Filed: September 29, 2003

Title: TUBULAR BASEBALL BATS WITH VARIABLE BARRELS

Art Unit: 3711

Our File: CECOM-04.US (2043-3-04-10)

December 13, 2006

By Fax only: (571) 273-8300

The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Certificate of Facsimile Transmission

I, the undersigned Registered Patent Attorney, hereby certify that the documents delivered herewith are being transmitted by telephone facsimile to the United States Patent and Trademark Office on the above date.

The documents being transmitted are as follows:

1. Cover letter to USPTO (2 pages) regarding withdrawal of Notice of Improper Request for Continued Examination (RCE)

Respectfully submitted,

Per: 

David J. French
Reg. No. 31,229

— such documents have been transmitted in accordance with the particulars on the attached telefax confirmation sheet.

Milton, Geller LLP
225 Metcalfe Street, Suite 700
Ottawa, Ontario, Canada K2P 1P9
Tel: 613-567-7824, ext. 230
Fax: 613-567-4689

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DEC 13 2006

BEFORE THE UNITED STATES PATENTS AND TRADEMARKS OFFICE

Inventors: Stephen Fitzgerald, et al.
Serial No.: 10/672,060
Filed: September 29, 2003
Title: TUBULAR BASEBALL BATS WITH VARIABLE
BARRELS
Confirm No.: 4727
Art Unit: 3711
Our File No.: CECOM-04.US (2043-3-04-10)

December 13, 2006
By Fax only: 1-571-273-8300

Commissioner for Patents
P.O. Box 1450
Alexandria, VA
U.S.A. 22313-1450

Attention: Ms. Erica Miller
Supervisor, Technology Centre 2800

Dear Sirs:

The Applicant's attorney writes to confirm the agreement of Ms. Erica Miller that the Notice of Improper Request for Continued Examination (RCE) dated November 27, 2006 will be withdrawn.

The attorney for the Applicant called the Office on December 13, 2006 and verified that the Applicant's Response after Final Office Action dated October 6, 2006 had been received by the Office. The Applicant's attorney observed that the RCE which was filed on November 9, 2006 was accompanied by an explanatory letter reciting the substance of a telephone interview with the Examiner of November 7, 2006 concerning the Response after Final Office Action. The November 9, 2006 letter ended by requesting that the "Examiner reconsider his position".

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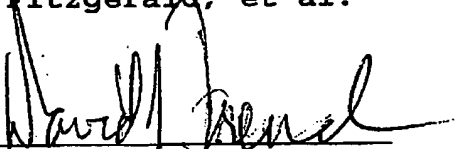
- 2 -

Ms. Miller agreed that this is considered to be a sufficient submission accompanying an RCE for the Office to address the previously tendered submissions (not entered by the Examiner).

Respectfully submitted,

Stephen Fitzgerald, et al.

Per:


David J. French
Reg. No. 31,229

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